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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/319,071	CLEWITS, RITSKE	
	<b>Examiner</b>	<b>Art Unit</b>	
	JAGDISH PATEL	3624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment response filed 6/2/04.
2. ☒ The allowed claim(s) is/are 2-5, 10, 12 and 13.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 6 9/21/01.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

**DETAILED ACTION**

1. This communication is in response to amendment filed 6/2/2004.

***Response to Amendment***

2. Claims 2-5, 10 and 12 are pending and are allowed.

***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

The claimed inventions pertain to a system and method for selective activation of one or more software/hardware functions in a programmable device.

4. The following prior art references have been deemed most relevant to the allowed claim(s):

5. Tsunokawa et al. (US Patent 5,546,446) (hereafter Tsunokawa) (alternatively equivalent Japanese Publication 5-285563 which caused US Application 326,280, filed Oct 20, 1994, Foreign Priority Oct 21, 1993) TSUNOKAWA et al. describes how a prepaid telephone card (electronically readable information carrier) is debited in accordance with telephone call being made by a telephone set (reading means). This telephone set is capable of receiving the prepaid card (the information carrier) and able to deduct the appropriate rate from a balance stored on the card. However, Tsunokawa does not disclose that the numerical data stored on the prepaid telephone card is modified by a programming means in accordance with functions activated in the programmable device (in this case the telephone set).

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6. IJICHI et al. (US Pat. 5,932,859) disclose an electronic wallet that can be used to perform several functions, such as confirming the amount of money stored in the IC card and transferring money from one IC card to another. In this manner the wallet plays the role of a portable terminal.

Tsunokawa and IJICHI as discussed above as the Closest Prior art of record fails to teach or suggest the following novel features of the allowed claims.

Claim 5: A system for selective activation of one or several software or hardware functions in a programmable device comprising:

..programming means for modifying a numerical value in accordance with the functions activated in a programmable device wherein the programmable device is a timer. Note that the examiner has interpreted the limitation "timer" in its broadest meaning as a device used for measuring intervals of time or alternatively a regulator or a switch that regulates or controls another mechanism at preset time or regular interval.

Claims 10, 2-4: A system for selective purchase and activation of one or several software or hardware functions in a programmable device in which the functions are unavailable for use until purchased and activated, comprising:

programming means for modifying a numerical value in accordance with the previously unavailable functions that have been made available for use by being purchased and activated in the programmable device.

Claim 12: A method of activating a function of a programmable device having plural functions that are unavailable for use until being selectively purchased and activated, the method comprising the following step:

coupling the programmable device having the plural functions are unavailable for use until being selectively purchased and activated to a program capable of selectively purchasing and activating the plural functions;

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

EP-A-0594 493 describes a method and a computer system for obtaining software by means of a microcomputer. The system for this purpose comprises a database in which the software to be used is stored and a detachable storage carrier which contains an access right. This latter carrier can be inserted into a reading device of the microcomputer for enabling a loading of software for which the carrier contains the relevant access rights, from the database to the microcomputer. The carrier may also contain rights for implementing the loaded software.

EP-A-0530 601 describes the use of data carrier cards which enable an activation of individual appliance functions of an electronic appliance. The electronic appliance here comprises a circuit management with one or several circuits for putting into action a number of functions of the appliance. The functions to be carried out by the circuit arrangement can be activated by means of the data carrier card.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (703)308-7837. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703)308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

9/2/2004